

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

HECTOR QUINOES MOLINA, et als.,
Plaintiffs,

CIVIL NO. 04-1251 (DRD)

v.

PAVIA HEALTH, INC, et als.,
Defendants.

MOTION	RULING
<p>Date Filed: 05/17/05 <input checked="" type="checkbox"/> Plff <input checked="" type="checkbox"/> Deft <input type="checkbox"/> Other</p> <p>Title: JOINT MOTION REQUESTING VOLUNTARY DISMISSAL WITH PREJUDICE (Docket No. 80)</p>	<p>GRANTED. Plaintiffs and co-defendants, Dr. Ruben A. Perez Barreto, Dr. Jose O. Morales Gonzalez, his conjugal partnership, Pavia Anesthesia, PSC., General Anesthesia Society and Sindicato de Aseguradores para la Subscripcion Conjunta de Seguros de Responsabilidad Profesional Medico-Hospitalaria (SIMED), as the insurance company of codefendants Ruben Perez Barreto, Jose O. Morales and Pavia Anesthesia, PSC., filed a notice of voluntary dismissal with prejudice, pursuant to the <i>Settlement Agreement and Release of All Claims</i> agreed upon by the aforementioned parties. (Docket Nos. 76, 77, 78, and 79). The Court hereby GRANTS their request as stipulated, pursuant to Fed.R.Civ.P. 41(a)(2)(ii).¹</p>

Date: May 31, 2005

S/ Daniel R. Dominguez
DANIEL R. DOMINGUEZ
U.S. District Judge

¹ The Court will refrain from issuing a partial judgment at this time. The First Circuit strongly disfavors partial judgments as they foster piecemeal appeals. See *Nichols v. Cadle Co.*, 101 F.3d 1448, 1449 (1st Cir. 1996) (“piecemeal appellate review invites mischief. Because the practice poses a host of potential problems we have warned, time and again, that Rule 54(b) should be used sparingly.”); *Zayas-Green v. Casaine*, 906 F.2d 18, 21 (1st Cir. 1990) (“This final judgment rule . . . furthers ‘the strong congressional policy against piecemeal review.’” *Id.* (quoting *In re Continental Investment Corp.*, 637 F.2d 1, 3 (1st Cir. 1980)); *Comite Pro Rescate De La Salud v. Puerto Rico Aqueduct and Sewer Authority*, 888 F.2d 180, 183 (1st Cir. 1989); *Consolidated Rail Corp v. Fore River Ry. Co.*, 861 F.2d 322, 325 (1st Cir. 1988); *Spiegel v. Trustees of Tufts Coll.*, 843 F.2d 38, 43 (1st Cir. 1988); *Santa Maria v. Owens-Ill., Inc.*, 808 F.2d 848, 854 (1st Cir. 1986)); see also *United States v. Nixon*, 418 U.S. 683, 690 (1974).